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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/967,036	09/28/2001	Clyde S. Clark	42390P12321	4845

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EXAMINER

MASON, DONNA K

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 03/30/2004

8

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/967,036

Applicant(s)

CLARK ET AL.

Examiner

Donna K. Mason

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 June 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. Figures 1-9 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "701" (e.g., see paragraph [0047], line 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: "710" (e.g., see Fig. 7). A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
4. The drawings are objected to because the description for item 810 should be changed from "DEFAULT DETECTION" TO --FAULT DETECTION-- (e.g., see paragraph [0049], line 4). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. See 37 CFR 1.83.

5. The drawings are objected to under 37 CFR 1.83(a) because they fail to show a power and reset control module 830 as described in the specification (e.g., see paragraph [0050], line 2). Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "715" (e.g., Fig. 7 and paragraph 0048], line 1) and has been used to designate both a communications module and a P2P (PCI-to-PCI) bridge control module (e.g., paragraph [0050], line 3). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

7. The drawings are objected to because the description for item 1020 in Fig. 10 should be changed from "PERFORM BACKUP MODE BOOT PROCESS" to -- PERFORM ACTIVE MODE BOOT PROCESS-- (e.g., see paragraph [0055], lines 8-10). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. See 37 CFR 1.83.

Specification

8. The disclosure is objected to because of the following informalities:

In paragraph [0006], line 4, change "a redundant CPUs" to either --redundant CPUs-- or --a redundant CPU--.

In paragraph [0054], line 5, change "well-know" to --well-known--.

Appropriate correction is required. See 37 CFR 1.71.

9. The use of the trademark COMPACTPCI has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Objections

10. Claim 4 is objected to because of the following informalities:

Claim 4 recites the limitation "neither split mode or cluster mode" in line 7. It is recommended that "neither split mode or cluster mode" be changed to --neither split mode nor cluster mode--. Appropriate correction is required. See 37 CFR 1.75.

Claim Rejections - 35 USC § 112

11. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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12. Claims 2-6, 11-15, and 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

13. Claim 2 recites the limitation "a first processor" in line 1. It is unclear whether this first processor is the same as the first processor recited in independent claim 1. For examination purposes, claim 2 has been interpreted such that "a first processor" is replaced with --the first processor--.

14. Claim 2 recites the limitation "the processor" in lines 2, 3, 5, and 7. There is insufficient antecedent basis for this limitation in the claim. For clarity and consistency, it is recommended that "the processor" be changed to --the first processor-- in lines 2, 3, 5, and 7.

15. Claim 11 recites the limitation "the processor" in lines 2, 4, and 6. There is insufficient antecedent basis for this limitation in the claim. For clarity and consistency, it is recommended that "the processor" be changed to --the first processor-- in lines 2, 4, and 6.

16. Claim 19 recites the limitations "a processor" and "the processor" in line 2, and further recites "a first processor" in line 3 and "a second processor" in line 6. As recited, it appears that the instructions on the machine-readable medium cause "the processor" to operate a first processor and a second processor". For examination purposes, claim 19 has been interpreted such that the instructions on the machine-readable medium cause the first processor to operate as claimed and cause the second processor to operate as claimed.

17. Claim 20 recites the limitation "the processor" in lines 3, 4, 6, and 8. There is insufficient antecedent basis for this limitation in the claim. For clarity and consistency, it is recommended that "the processor" be changed to --the first processor-- in lines 3, 4, 6, and 8.

18. Claims 3-6, 12-15, and 21-24 inherit the deficiencies of their respective base claims.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

20. Claims 1, 8, 10, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,112,271 to Lanus, et al. ("Lanus").

With regard to independent claims 1 and 10, Lanus discloses a method and system (Fig. 1), where the method includes the steps of: operating a first processor (Fig. 1, item 150) connected with a first bus (Fig. 1, item 110) and a second bus (Fig. 1, item 120) wherein the first processor controls the first bus; operating a second processor (Fig. 1, item 170) connected with the first bus and the second bus wherein the second

processor controls the second bus; detecting faults via hardware associated with said first processor and said second processor (column 5, lines 24-34); and responsive to an occurrence of a fault in said first processor, transferring control of said first bus to said second processor via hardware associated with said first processor and said second processor (column 5, lines 24-34).

With regard to claims 8 and 17, Lanus discloses the method and system, where the bus is a COMPACTPCI bus (column 3, lines 38-41).

Therefore, Lanus reads on the invention as claimed.

21. Claims 1-27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,618,783 to Hammersley.

With regard to independent claims 1, 10, and 19, Hammersley discloses a method, system (Fig. 2, item 105), and a machine-readable medium (column 4, lines 55-57), where the method includes the steps of: operating a first processor (Fig. 2, item 110(a) connected with a first bus (Fig. 2, item 124(a)) and a second bus (Fig. 2, item 124(b)) wherein the first processor controls the first bus; operating a second processor (Fig. 2, item 110(b)) connected with the first bus and the second bus wherein the second processor controls the second bus; detecting faults via hardware associated with said first processor and said second processor (column 6, lines 25-27); and responsive to an occurrence of a fault in said first processor, transferring control of said first bus to said second processor via hardware associated with said first processor and said second processor (column 6, lines 40-67 to column 7, lines 1-9).

With regard to claims 2-6, 11-15, and 20-24, Hammersley discloses the method, system, and machine-readable medium, where operating a first processor includes the steps of: initializing the processor; determining whether the processor is designated to operate in the active mode or the backup mode (column 5, lines 51-54 and column 6, lines 25-27); responsive to the processor being designated to operate in the active mode, performing an active mode boot process (column 6, lines 56-60); responsive to the processor being designated to operate in the backup mode, performing a backup mode boot process (column 6, lines 41-44); and performing system host functions (column 7, lines 2-6). Although Hammersley does not expressly disclose the step of "initializing the processor," this feature is deemed to be inherent (see definition for "boot (1)" as described in *The Authoritative Dictionary of IEEE Standards Terms*, 7th Edition, p. 113).

With regard to claims 7, 16, and 25, Hammersley discloses the method, system, and machine-readable medium, where transferring control of the first bus to said second processor includes the steps of: suspending control of and disconnecting the first processor from the first bus (column 6, lines 41-44); sending a switch-over message to said second processor (column 5, lines 56-59 and column 6, lines 44-50); and activating device drivers on the second processor to take control of bus devices (column 5, lines 33-40 and column 6, lines 56-60).

With regard to claims 8, 17, and 26, Hammersley discloses the method, system, and machine-readable medium, where the bus is a COMPACTPCI bus (Fig. 2, items 124(a) and 124(b) and column 4, lines 4-31).

Therefore, Hammersley reads on the invention as claimed.

Claim Rejections - 35 USC § 103

22. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

23. Claims 9, 18, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hammersley in view of *CompactPCI, Redundant System Slot Specification* ("RSS Specification").

As discussed above with regard to base claims 8, 17, and 26, Hammersley discloses all the features of those claims. Hammersley does not expressly disclose the method, system, and machine-readable medium where the first processor and the second processor comprise Redundant System Slot (RSS) cards. The RSS Specification discloses the use of RSS cards in a COMPACTPCI system (page 10, section 2.2).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to combine the RSS Specification with Hammersley. The suggestion or motivation for doing so would have been to provide two devices, which are capable of providing the system slot functions, to avoid the undesirability of a single point of failure in systems needing high availability (page 10, section 2.2, lines 1-7).

Therefore, it would have been obvious to combine the RSS Specification with Hammersley to obtain the invention as specified in claims 9, 18, and 27.

Conclusion

24. A shortened statutory period for reply is set to expire THREE MONTHS from the mailing date of this communication. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this communication.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donna K. Mason whose telephone number is (703) 305-1887. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark H. Rinehart can be reached on (703) 305-4815. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DKM

A handwritten signature in black ink, consisting of a large, stylized 'M' followed by a series of loops and a final flourish.

MARK H. RINEHART
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100